

MANDATE

EDNY/BKNY
04-cv-4290
IRIZARRY

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Caption (use short title)

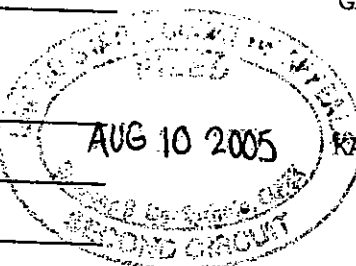
Docket Number(s): 05-2172

Motion for: WITHDRAWAL OF APPEAL

GERSTNER

Set forth below precise, complete statement of relief sought:

PERMISSION TO WITHDRAW APPEAL.



V. KATZ
CLERK
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

2005 OCT 28 AM 10:48

FILED

MOVING PARTY: DEFENDANT
☐ Plaintiff ☒ Defendant
☒ Appellant/Petitioner ☐ Appellee/Respondent

OPPOSING PARTY: PLAINTIFF

MOVING ATTORNEY: DEFENDANT
[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY [Name]: LESLIE BEN-ZVI
[name of attorney, with firm, address, phone number and e-mail]

JOSEPH OSTROWSKY
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BROOKLYN, NEW YORK 11201

LESLIE BEN-ZVI
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NEW YORK, NEW YORK 10279
(212) 719-5300

JUSTOSTROWSKY@YAHOO.COM

Court/Judge/Agency appealed from: HON. DORA L. IRIZARRY

Please check appropriate boxes:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has consent of opposing counsel:

A. been sought? ☒ Yes ☐ No
B. been obtained? ☐ Yes ☒ No

Has request for relief been made below? ☐ Yes ☐ No

Is oral argument requested? ☒ Yes ☐ No
(requests for oral argument will not necessarily be granted)

Has this relief been previously sought in this Court? ☐ Yes ☐ No

Requested return date and explanation of emergency:

Argument date of appeal been set? ☒ Yes ☐ No
After date 10-17-2005

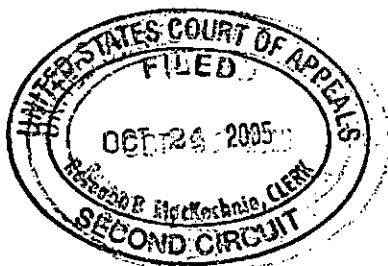
Signature of Moving Attorney:

Date: 08-08-2005

Has service been effected? ☒ Yes ☐ No
[Attach proof of service]

ORDER

IT IS HEREBY ORDERED that the "motion" for permission to withdraw appeal is treated as a stipulation withdrawing the appeal, and it is SO ORDERED. While this Court does not encourage appellee requests for attorneys' fees where no briefing has occurred, appellee has a theoretical right to file a motion (as opposed to a mere Affirmation) seeking such relief.



Roseann B. MacKechnie, CLERK

FOR THE COURT by Stanley A. Bass
Roseann B. MacKechnie, Clerk of Court
By Stanley A. Bass
Stanley A. Bass, Staff Counsel

CERTIFIED: 10-25-05

0-24-05